

Express Mail No. EV231274671US  
Date of Deposit: December 3, 2003

Attorney Docket No. 18133-099

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Peter A. Gottlieb et al.  
Serial No.: 09/864,037  
Filed: May 23, 2001  
For: BATTERY COMMUNICATION SYSTEM  
Examiner: F. Fleming  
Art Unit: 2836

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT UNDER 37 CFR §1.321**

Sir:

The owner, American Power Conversion Corporation, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,274,950. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to 156 and 173 of the prior patents, as presently shorted by any terminal disclaimer, in the event that either patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is

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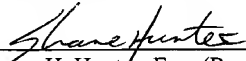
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in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 C.F.R. §1.20(d) is enclosed.

The undersigned is an attorney of record per the associate power of attorney submitted herewith.

Respectfully submitted,

  
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Date: December 3, 2003

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